

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board  
Docket No. 05-461

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator  
State Building Code Appeals Board  
BBRS/Department of Public Safety  
One Ashburton Place - Room 1301  
Boston, MA 02108

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David Morgan	)
Appellant,	)
	)
v.	)
	)
Town of Westborough, Donald Moquin	)
Appellees	)
	)

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Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 3603.12.1 pertaining to the property of 2 Crestview Drive, Westborough, MA 01581. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on August 21, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing himself was the Appellant. Also present was Donald Moquin and Jennifer and Christian Wright.

**Decision:** Following testimony, and based upon relevant information provided, Board members voted as indicated below.

X..... **Granted**                      ☐..... Denied                      ☐..... Rendered Interpretation  
☐.....Granted with conditions (see below)                      ☐..... Dismissed

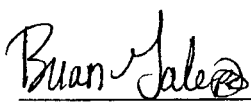

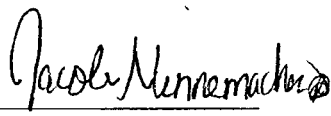
The vote was:

X .....Unanimous                      ☐ ..... Majority

**Reasons for Variance:**

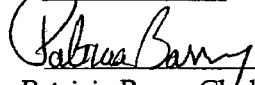
Testimony was presented by the Appellant, which described a landing that was build in compliance with the 6<sup>th</sup> edition of the MSBC at the time of the issuance of the building permit. Subsequently in the MSBC via a subsequent amendment the Exception 3 which stated that "a landing is not required where the exit door does not swing over the stair" has been eliminated. During the final inspection of the project the Building Official cited the step as being in non compliance to the current language of the code which now requires a landing. The Building Official, Donald Moquin stated that he does not think the step poses a safety hazard.

Following testimony, and based upon relevant information provided, Sandy MacLeod made a motion to grant the variance from 3603.12.1 based on the fact that the door swings inward and not over the stair/step. The motion was seconded by Jake Nunnemacher and a vote was taken and all board members voted in favor of the motion. .

		
Chairman -Brian Gale	Alexander MacLeod	Jake Nunnemacher

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: October 2, 2007

  
Patricia Barry, Clerk

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.